

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:11CR286 CEJ NAB
)
ELIZABETH ROSENKOETTER,)
)
 Defendant.)

ORDER AND SPEEDY TRIAL FINDING

This matter is before the Court on Defendant's Motion to Continue the Competency Hearing [[Doc. #65](#)] filed on November 1, 2011. In support of the Motion Defendant stated:

1. Counsel for Defendant received a copy of the evaluation on October 31, 2011.
2. Counsel for Defendant is starting a jury trial in Dent County, Missouri on November 3, 2011 in the matter of State of Missouri v. David Branson, Cause Number 11CF-CR00039-02
3. Defendant is currently on bond and residing in Texas. Defendant is on disability for numerous health issues that require that defendant utilize an oxygen tank to breathe. In addition, Defendant underwent back surgery in October and is currently recuperating at her home receiving home health care.
4. Defendant's health issues, as well as her limited income, pose a hardship should she be required to travel to St. Louis on short notice.
5. Jennifer Winfield, the Assistant United States Attorneys handling this matter, has no objection to this request.
6. The interests of justice would in no way be harmed by such continuance.

Defendant requested that the Competency Hearing previously set for November 3, 2011 be continued.

IT IS HEREBY ORDERED that Defendant's Motion to Continue the Competency Hearing [[Doc. #65](#)] is **GRANTED**. The hearing set for **November 3, 2011** shall be continued until **November 14, 2011 at 10:00 a.m.**

Speedy Trial Finding: For the reasons set out in Defendant's motion, the Court finds that to deny Defendant's request for such additional time would deny Defendant the reasonable time necessary for effective preparation for the competency hearing, taking into account the exercise of due diligence, and that the ends of justice served by granting Defendant's request for additional time outweigh the best interest of the public and Defendant in a speedy trial, and therefore, the time granted to Defendant to properly prepare for the competency hearing, is excluded from computation of Defendant's right to a speedy trial pursuant to 18 U.S.C. §§ 3161(c)(1) and 3161(h)(7).

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of November, 2011.